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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/391,462	09/08/1999	RICHARD C. GROSSWEILER III	D/99341Q2	8641

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EXAMINER

CLINTON, GREGORY L

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 07/05/2002

12

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action

Application No.

09/391,462

Applicant(s)

GOSSWEILER ET AL. 

Examiner

Gregory L. Clinton

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 July 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


ZARNI MAUNG
PRIMARY EXAMINER

Attachment to Advisory Action

1. Applicant argues that the '931 patent discloses an identifier associated with an object and an identifier associated with an action, while applicants' tags are both associated with actions. Since the second identifier in the '931 patent is associated with an action, the question is whether the first identifier associated with a network accessible object is associated with an action. An identifier associated with a network accessible object is inherently associated with the action of retrieving it; otherwise, the identifier would not be able to perform its function, as without the ability to retrieve the object no meaningful action could be performed using it. Therefore, both identifiers are associated with actions: the first identifier with the action of retrieving the associated network accessible object, and the second identifier with the action of printing the network accessible object.
2. Applicant argues that the '830 and '212 patents do not disclose navigation of an N-dimensional space. However, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. In this case, the '830 and '212 patents are not relied upon for the limitation of navigating an N-dimensional space.
3. Applicant argues that no reason has been asserted either as to why a person skilled in the art would choose to add the navigation system of the '557 patent to the disclosure of the '830 patent or as to why it would have been obvious to replace the mouse and keyboard of the '557 patent with the tag and tag reader of the '830 patent. In reference to the second possibility, both the tag/tag reader of the '830 patent and the keyboard/mouse of the '557 patent are input devices.

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Thus, since the tag/tag reader and mouse/keyboard are equivalents known for the same purpose, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the keyboard/mouse of the '557 patent with the tag/tag reader of the '830 patent. Further, the '557 patent states that "a user can input and/or modify positions and constraints via pop-up properties pages, menus, or other common graphical user interface object..." (col. 6, lines 17 – 19.) The '857 patent states that the tag/tag reader may perform actions "without requiring visual displays or complex input commands." (col. 4, lines 10 – 11.) Thus, instead of increasing the complexity of the invention as applicant claims, the substitution would in fact reduce the complexity of the invention.

4. Applicant argues that no reason has been asserted either as to why a person skill in the art would choose to add the three-dimensional document workspace of the '709 patent (Card et al.) to the disclosure of the '212 patent or as to why it would have been obvious to replace the mouse and keyboard of the '709 patent with the tag and tag reader of the '212 patent. In reference to the second possibility, a person of ordinary skill in the art, knowing the advantages (disclosed in the '830 patent), of the tags and tag readers (disclosed in the '212 patent), would have been motivated to replace the keyboard/mouse of the '709 patent with the tag/tag readers because such a replacing would reduce the complexity of the resulting system.

5. The period for reply continues to run THREE MONTHS from the date of the final rejection. Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a) accompanied by the appropriate fee. The date on which the petition under 37 CFR 1.136(a) and

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the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. A reply within the meaning of 37 CFR 1.113 or a request for a continued examination (RCE) in compliance with 37 CFR 1.114 must be timely filed to avoid abandonment of this application.

6. The shortened statutory period for reply expires THREE MONTHS from the mailing date of the final rejection or as of the mailing date of this advisory action, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Any extension fee required pursuant to 37 CFR 1.17 will be calculated from the date that the shortened statutory period for reply expires as set forth above.